

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROGER W. WALLACH,)	
Individually, and on behalf of all others)	
similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-cv-296
)	
LOANME, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant LoanMe, Inc. ("LoanMe"), pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and files its Notice of Removal of the case captioned *Roger W. Wallach, individually, and on behalf of all others similarly situated v. LoanMe, Inc.*, Case No. 17SL-CC04519, from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri, Eastern Division. As grounds for removing this action, LoanMe states as follows:

BACKGROUND

1. Plaintiff Roger W. Wallach ("Plaintiff") filed his Petition for Class Action Relief against LoanMe on December 8, 2017.
2. Plaintiff served a copy of the Petition for Class Action Relief and summons on LoanMe on January 25, 2018.
3. Pursuant to the requirements of 28 U.S.C. § 1446(a) and Local Rule 2.03, a copy of Plaintiff's Petition for Class Action Relief (hereinafter, "Complaint"), together with a copy of the complete file from state court, are attached as **EXHIBIT A**.

4. The Complaint alleges that LoanMe violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), by placing certain automated marketing calls to Wallach’s cellular telephone. *See* Complaint, ¶¶ 9, 14-16.

5. Through the Complaint, Plaintiff seeks to represent a class of persons who received similar telephone calls. *Id.*, at ¶¶ 20, 27-28.

6. Based upon the allegations of the Complaint and for the reasons discussed below, LoanMe timely removes this action pursuant to 28 U.S.C. § 1331 (federal question).

FEDERAL QUESTION JURISDICTION

7. Plaintiff alleges a claim under the TCPA. Therefore, federal question jurisdiction exists over Plaintiff’s claim under 28 U.S.C. §1331 because the resolution of Plaintiff’s claim will require adjudication of a disputed question of federal law.

8. Federal district courts have original jurisdiction over TCPA claims. *See, e.g., Mims v. Arrow Financial Servs., LLC*, 132 S.Ct. 740, 753 (2012) (“Nothing in the text, structure, purpose, or legislative history of the TCPA calls for displacement of the federal-question jurisdiction U.S. district courts ordinarily have under 28 U.S.C. § 1331.”).

9. Because a federal question is present on the face of the Complaint, this matter is removable by LoanMe under 28 U.S.C. § 1441(a).

PROCEDURAL REQUIREMENTS

10. Pursuant to the requirements of 28 U.S.C. § 1446(d), LoanMe provided Plaintiff with written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

11. Pursuant to the requirements of 28 U.S.C. § 1446(d), LoanMe filed a copy of this Notice of Removal with the Clerk of the Circuit Court of St. Louis County, Missouri.

12. The Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because LoanMe is filing this Notice of Removal within thirty (30) days of its receipt of the Complaint and summons.

13. Pursuant to the requirements of 28 U.S.C. § 1441(a), this Notice of Removal is filed in the District Court of the United States for the district and division “embracing the place where such action is pending.”

14. Pursuant to Local Rule 3-2.02, a completed Original Filing Form is attached hereto as **EXHIBIT B**.

15. Pursuant to Local Rule 3-2.02, a completed Civil Cover Sheet is attached hereto as **EXHIBIT C**.

16. Pursuant to Local Rule 3-2.02, a Disclosure of Organizational Interests is filed contemporaneously herewith.

17. LoanMe has given the undersigned attorneys authority to sign and file this Notice of Removal.

18. If any questions arise regarding the propriety of removal of this action, LoanMe respectfully requests the opportunity to present a brief and/or oral argument in support of its position that this case is removable.

WHEREFORE, Defendant LoanMe, Inc. removes to this Court the action captioned as *Roger W. Wallach, individually, and on behalf of all others similarly situated v. LoanMe, Inc.*, Case No. 17SL-CC04519, currently pending in the Circuit Court of St. Louis County, Missouri, and respectfully requests that this Court exercise its subject matter jurisdiction over this action and grant such other relief as the Court may deem just and proper.

Respectfully submitted,

THOMPSON COBURN LLP

By: /s/ Matthew D. Guletz

Matthew D. Guletz, #57410MO
One U.S. Bank Plaza, Suite 2700
St. Louis, Missouri 63101
(314) 552-6000 (telephone)
(314) 552-7000 (facsimile)
mguletz@thompsoncoburn.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served via operation of the Court's electronic filing system and via U.S. Mail, first class, postage prepaid, on this 21st day of February, 2018, to the following:

David T. Butsch
Christopher E. Roberts
BUTSCH ROBERTS & ASSOCIATES LLC
231 South Bemiston Ave., Suite 260
Clayton MO 63105
dbutsch@butschroberts.com
croberts@butschroberts.com

Attorney for Plaintiff

/s/ Matthew D. Guletz